

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**MICHAEL CONIKER and RESOURCE
SOLUTIONS, LLC,**

Plaintiffs,

v.

BISHOP JEFFREY MONFORTON, et. al.,

Defendants.

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Civil No. 22-1184

ORDER

Presently before the Court are Plaintiffs’ “Motion Requesting Court Appointed Assistance to Gather Evidence (ECF No. 63), “Motion to Reinstate Complaint” filed in 2014 (ECF No. 64), and “Motion to Order Lawyers and Bishops to Report Date and Information (ECF No. 65). As with Mr. Coniker’s prior Motions, the above Motions concern apparent discovery or evidentiary matters, prematurely request Court action, or request Court action that is likely not within the Court’s power to grant¹.

All three Motions are also premature. The Court has yet to rule on Defendants’ eight Motions to Dismiss, which challenge the claims made in the Amended Complaint. The Motions to Dismiss are not ripe for resolution. Mr. Coniker’s Response to the Defendants’ Motions to Dismiss are due by January 30 2023. If Mr. Coniker fails to file his Responses to the Motions to Dismiss, the Court may proceed to decide the Motions without Mr. Coniker’s input.

The Court reminds Mr. Coniker that any alleged facts or discovery material that is not currently stated in the allegations of the Amended Complaint at issue, are typically not matters

¹ For example, Mr. Coniker requests that this federal Court “reinstate” two 2014 lawsuits filed in the Court of Common Pleas of Allegheny County.

the Court may consider when resolving the Motions to Dismiss. In re Burlington Coat Factory Sec. Litig., 114 F.3d 1410, 1424–25 (3d Cir. 1997) (district court “not permitted to go beyond the facts alleged in the Complaint” when ruling on a motion to dismiss). Any matters concerning facts and issues outside the Amended Complaint will not be addressed until after the Motions to Dismiss are resolved and Mr. Coniker and Plaintiffs, Defendants, and the Court know which claims are permitted to proceed in this action. Therefore, all three of Mr. Coniker’s Motions will be denied. While the Motions to Dismiss are pending, any further Motions of the same substance and character; that is, motions seeking discovery or requesting that the court order third parties to take some action, will be summarily denied without prejudice.

AND NOW, this 10th day of January 2023, it is hereby ORDERED that Plaintiff’s Motion Requesting Court Appointed Assistance to Gather Evidence (ECF No. 63), “Motion to Reinstate Complaint” filed in 2014 (ECF No. 64), and “Motion to Order Lawyers and Bishops to Report Date and Information (ECF No. 65) are DENIED.

s/Marilyn J. Horan
Marilyn J. Horan
United States District Court Judge

cc: Michael Coniker, pro se
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